

EXHIBIT B



09/30/2022

CT Log Number 542406135

Service of Process Transmittal Summary

TO: Joel Mintzer
 Blue Cross & Blue Shield Of Minnesota
 3535 BLUE CROSS RD
 EAGAN, MN 55122-1154

RE: Process Served in Minnesota

FOR: BLUE CROSS AND BLUE SHIELD OF MINNESOTA (Assumed Name) (Domestic State: MN)
 BCBSM, INC. (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: KEITH A. SMITH AND BRITTA L. SMITH vs. BLUECROSS BLUESHIELD OF MINNESOTA

CASE #: 2022CV000221

NATURE OF ACTION: Insurance Litigation

PROCESS SERVED ON: CT Corporation System, Inc, Saint Paul, MN

DATE/METHOD OF SERVICE: By Process Server on 09/30/2022 at 12:34

JURISDICTION SERVED: Minnesota

ACTION ITEMS: CT will retain the current log

Image SOP

Email Notification, Joel Mintzer joel.mintzer@bluecrossmn.com

Email Notification, Michael Vo michael.vo@bluecrossmn.com

Email Notification, MELISSA Vogt melissa.vogt@bluecrossmn.com

Email Notification, Alicia Reuter alicia.reuter@bluecrossmn.com

REGISTERED AGENT CONTACT: CT Corporation System, Inc
 1010 Dale Street N
 Saint Paul, MN 55117
 866-665-5799
 SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

CT

PLEASE NOTE:

SERVICE TAKEN FOR:

BlueCross BlueShield of Minnesota

FILED
09-23-2022

Clerk of Court
Douglas County, WI
2022CV000221

STATE OF WISCONSIN

CIRCUIT COURT

DOUGLAS COUNTY

KEITH A. SMITH
11260 East Timber Ridge Drive
Lake Nebagamon, Wisconsin 54849,

and

BRITTA L. SMITH
11260 East Timber Ridge Drive
Lake Nebagamon, Wisconsin 54849,

Plaintiffs,

vs.

BLUECROSS BLUESHIELD OF MINNESOTA
3535 Blue Cross Road
Eagan, Minnesota 55122
a foreign corporation,

Defendant.

Case No.: 22 CV _____

30106: Intentional Tort

30303: Other-Contracts

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:


You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 1313 Belknap Street, Superior, Wisconsin 54880, and to Garrett M. Gondik, plaintiffs' attorney, whose address is 1215 Belknap Street, Superior, Wisconsin 54880. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against

you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 23 day of September, 2022.



GARRETT M. GONDIK, #1114261

GONDIK LAW, S.C.

Attorneys for Plaintiffs

1215 Belknap Street

Superior, WI 54880

(715) 395-3180

richardgondik@gmail.com

FILED
09-23-2022
Clerk of Court
Douglas County, WI
2022CV000221

STATE OF WISCONSIN

CIRCUIT COURT

DOUGLAS COUNTY

KEITH A. SMITH

11260 East Timber Ridge Drive
Lake Nebagamon, Wisconsin 54849,

and

BRITTA L. SMITH

11260 East Timber Ridge Drive
Lake Nebagamon, Wisconsin 54849,

Plaintiffs,

vs.

BLUECROSS BLUESHIELD OF MINNESOTA

3535 Blue Cross Road
Eagan, Minnesota 55122
a foreign corporation,

Defendant.

Case No.: 22 CV _____

30106: Intentional Tort

30303: Other-Contracts

COMPLAINT

Plaintiffs, Keith A. Smith and Britta L. Smith, by their attorney, Garrett M. Gondik, of Gondik Law, S.C., allege:

GENERAL ALLEGATIONS

1. Plaintiff Keith A. Smith resides at 11260 East Timber Ridge Drive, Lake Nebagamon, Wisconsin 54849.
2. Plaintiff Britta L. Smith resides at 11260 East Timber Ridge Drive, Lake Nebagamon, Wisconsin 54849.
3. Plaintiffs Keith A. Smith and Britta L. Smith are husband and wife and were husband and wife at all times material hereto.

4. Defendant BlueCross BlueShield of Minnesota is a foreign insurance corporation authorized to do business in Wisconsin, with an office at 3535 Blue Cross Road, Eagan, Minnesota 55122.
5. At all times material herein, defendant insured plaintiff Keith A. Smith by a policy of health insurance.
6. The insurance policy issued by defendant was delivered or issued in the State of Wisconsin.

CLAIM AGAINST DEFENDANT FOR HEALTH BENEFITS

7. On or about December 29, 2021, plaintiff Keith A. Smith submitted a claim for health benefits to defendant. Specifically, plaintiff Keith A. Smith sought coverage for a right sided destruction by neurolytic agent and a right-sided injection to destroy nerves in his lower back.
8. On or about December 30, 2021, defendant denied plaintiff Keith A. Smith's health insurance claim for a right sided destruction by neurolytic agent and a right-sided injection to destroy nerves in plaintiff Keith A. Smith's lower back.
9. On May 8, 2022, plaintiff Keith A. Smith submitted a claim for health benefits to defendant. Specifically, plaintiff Keith A. Smith sought coverage for a left sided destruction by neurolytic agent and a left-sided injection to destroy nerves in his lower back.
10. On or about May 9, 2022, defendant denied plaintiff Keith A. Smith's health insurance claim for a left sided destruction by neurolytic agent and a left-sided injection to destroy nerves in plaintiff Keith A. Smith's lower back.
11. Plaintiff Keith A. Smith's medical provider(s) have indicated to defendant that the right sided destruction by neurolytic agent and right-sided injection to destroy nerves in plaintiff Keith A. Smith's lower back are medically necessary. Nonetheless, defendant has continued to deny coverage for these procedures.
12. Plaintiff Keith A. Smith's medical provider(s) have indicated to defendant that the left sided destruction by neurolytic agent and left-sided injection to destroy nerves in plaintiff Keith A. Smith's lower back are medically necessary. Nonetheless, defendant has continued to deny coverage for these procedures.

CLAIM AGAINST DEFENDANT FOR BAD FAITH AND BREACH OF CONTRACT

13. Defendant has committed the tort of bad faith by denying plaintiff Keith A. Smith's health benefits claims described herein. Defendant's denial was without basis. Defendant either knew or recklessly failed to ascertain that plaintiff Keith A. Smith's claims for health benefits were valid and that such treatment was covered and medically necessary.

14. Defendant has engaged in bad faith as a reasonable insurer could not and would not have denied payment of plaintiff Keith A. Smith's health benefits claims under the facts and circumstances that exist in this case. Specifically, plaintiff Keith A. Smith previously underwent the medical procedures at issue and those procedures worked and he received relief from pain for several months.
15. Plaintiff Keith A. Smith's contract with defendant has an implied covenant of good faith and fair dealing that exists at all times, including during the investigation, evaluation, and processing of health benefits claims.
16. Defendant breached its contract with plaintiffs by including, without limitation, failing to: (a) take the necessary steps to fairly and independently investigate plaintiff Keith A. Smith's health benefit claims; (b) evaluate information on an ongoing basis in a fair and impartial manner; (c) pay covered losses on the health benefits claims in a timely fashion; (d) honor its implied covenant of good faith and fair dealing under the policy; and (e) honor other terms of the contract.
17. As a direct and proximate cause of defendant's bad faith and breach of contract, plaintiff Keith A. Smith has sustained compensable injury and damages, including, but not limited to, pain and suffering, severe stress and anxiety from the unnecessary delay in the processing of his health benefits claims, as well as defendant's denial of such claims.
18. The conduct of defendant, by its employees and agents, in denying plaintiff Keith A. Smith's health benefits claim without any reasonable basis to do so was reckless, malicious, and/or an intentional disregard of plaintiff Keith A. Smith's rights. Consequently, defendant is liable for punitive damages to plaintiff Keith A. Smith.

CLAIM AGAINST DEFENDANT FOR ATTORNEY'S FEES AND COSTS

19. As a result of defendant's denial of plaintiff Keith A. Smith's health benefit claims and its bad faith handling of plaintiff Keith A. Smith's health benefit claims, plaintiffs are entitled to an award of attorney's fees and costs incurred in bringing this action.

**CLAIM AGAINST DEFENDANT FOR FAILURE TO TIMELY PAY CLAIMS AND
FOR STATUTORY INTEREST PURSUANT TO WIS. STAT. § 628.46**

20. Plaintiff Keith A. Smith and/or his medical providers provided all necessary and appropriate supporting information requested by defendant and took other steps necessary to provide defendant with adequate proof of plaintiff Keith A. Smith's health benefits claims and the existence of certain liability on the part of defendant.
21. No reasonable insurer under similar circumstances would have denied payment under the health insurance policy in effect at the time the relevant health benefits claims described herein were submitted.

22. At all times material hereto, defendant was subject to Wis. Stat. § 628.46, "the timely payment of claims" statute. Pursuant to said statute, all insurers, including defendant, must pay a claim within thirty (30) days of being furnished with written notice of the claim and the amount of the claim, that said statute further provides that even if notice is not furnished as to the entire claim, any partial amount supported by written notice is overdue if not paid within thirty (30) days after such written notice is furnished to the insurer, that said statute also provides that seven and one-half (7.5) simple interest accrues on any overdue payments.

CLAIM AGAINST DEFENDANTS FOR LOSS OF CONSORTIUM

23. Defendant's conduct described herein was a substantial factor in producing plaintiff Britta L. Smith's damages in that she was deprived of consortium, society and companionship, and household services.

WHEREFORE, plaintiffs demand judgment against defendant, for plaintiff's damages, compensatory, consequential, incidental, and punitive, attorney's fees, statutory costs, interest, and such further relief as may be appropriate.

JURY DEMAND

Plaintiffs demand a trial by a jury of six.

Dated this 23 day of September, 2022.



GARRETT M. GONDIK, #1114261
GONDIK LAW, S.C.
Attorneys for Plaintiffs
1215 Belknap Street
Superior, WI 54880
715-395-3180
richardgondik@gmail.com

STATE OF WISCONSIN

CIRCUIT COURT

DOUGLAS

FILED
09-23-2022Keith A. Smith et al vs. BlueCross BlueShield of Minnesota **Electronic Filing
Notice**Clerk of Court
Douglas County, WI
2022CV000221Case No. 2022CV000221
Class Code: Intentional TortBLUECROSS BLUESHIELD OF MINNESOTA
3535 BLUE CROSS ROAD
EAGAN MN 55122

Case number 2022CV000221 was electronically filed with/converted by the Douglas County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 035bfc

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 715-395-1203.

Douglas County Circuit Court
Date: September 23, 2022

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Keith A. Smith, and Britta L. Smith

(b) County of Residence of First Listed Plaintiff Douglas, WI
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Garrett M. Gondik, GONDIK LAW, S.C., 1215 Belknap Street, Superior, WI 54880, 715-395-3180

DEFENDANTS

Blue Cross and Blue Shield of Minnesota

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

William D. Hittler, Brandie Morgenroth, Nilan Johnson Lewis PA, 250 Marquette Ave. S., Suite 800, Minneapolis, MN 55401. 612-305-7500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
ERISA, 29 U.S.C. section 1001, et seq.Brief description of cause:
Claim for recovery of insurance benefits**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 28, 2022

SIGNATURE OF ATTORNEY OF RECORD

s/ William D. Hittler

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.